

Message Text

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PAGE 01 STATE 081609

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E.O. 11652:XGDS

TAGS: UNEP, SENV, XV

SUBJECT: UNEP GC MEETING: DISCUSSION ITEM ON ANTARCTICA

FOR USDEL UNEP GC

GENEVA FOR US DEL LOS

LONDON FOR OES DEP. ASST. SECRETARY HERTER AND MR. KING

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PAGE 02 STATE 081609

THE FOLLOWING CLASSIFIED INSTRUCTION AUGMENTS THE

UNCLASSIFIED POSITION PAPER IN YOUR POSSESSION.

DISCUSSION

1. OVERALL US INTERESTS IN ANTARCTICA AS WELL AS ELSEWHERE, E.G., IN THE LAW OF THE SEA NEGOTIATIONS, WOULD NOT BE SERVED BY UNEP INVOLVEMENT IN ANTARCTICA. SIMILAR VIEWS ARE HELD BY THE OTHER SIGNATORIES TO THE ANTARCTIC TREATY. (ARGENTINA, AUSTRALIA, BELGIUM, CHILE, FRANCE, JAPAN, NEW ZEALAND, NORWAY, SOUTH AFRICA, UK, USSR.)

2. ON JANUARY 29 THE UNEP EXECUTIVE DIRECTOR WROTE TO THE GOVERNMENTS SIGNATORY TO THE ANTARCTIC TREATY SOLICITING, IN ESSENCE, UNEP PARTICIPATION IN ANTARCTIC ENVIRONMENTAL MATTERS. AN INFORMAL, CLOSED MEETING OF ANTARCTIC TREATY

PARTY REPRESENTATIVES IN FEBRUARY DISCUSSED THE LETTER AND CONCURRED THAT SUCH PARTICIPATION WOULD NOT BE ADVISABLE AND THAT ANSWERS TO THE EXECUTIVE DIRECTOR SHOULD NOT BE RECEPTIVE TO THE OFFER OF UNEP ASSISTANCE. RESPONDING ON MARCH 19, ASSISTANT SECRETARY RAY DID NOT TAKE UP THE OFFER. HER LETTER INSTEAD OUTLINED THE ENVIRONMENTAL PROTECTION SYSTEM ALREADY OPERATING IN ANTARCTICA. COPIES OF THE CORRESPONDENCE ARE ANNEXED TO THE UNCLASSIFIED POSITION PAPER FURNISHED TO THE USDEL TO THE UNEP GC MEETING.

3. IT IS OUR VIEW, WHICH IS SHARED BY THE OTHER TREATY SIGNATORIES, THAT ANY DIRECT UN INVOLVEMENT IN ANTARCTICA, EVEN BY ITSSUBSIDIARY BODIES, COULD GREATLY COMPLICATE THE EXISTING COOPERATION THERE AMONG THE TREATY PARTIES. FURTHERMORE, AND OF MORE IMMEDIATE CONCERN, THE TREATY PARTIES HAVE AGREED NOT TO RAISE THE QUESTION OF ANTARCTICA IN THE LOS CONFERENCE AND HOPE THAT IT WILL NOT BE RAISED BY OTHERS. JURIDICAL PROBLEMS IN THE ANTARCTIC TREATY AREA COULD BE GREATLY EXACERBATED IF THE ANTARCTIC SEABED QUESTION IS RAISED AT THE LOS CONFERENCE CURRENTLY IN SESSION. EVEN SOMETHING AS INNOCENT AS A DISCUSSION OF ANTARCTICA AT THE UNEP GENERAL COUNCIL MEETING COULD FLAG THE ISSUE AT THE LOS, WITH POSSIBLY GRAVE RESULTS FOR
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PAGE 03 STATE 081609

OUR LOS POSITION. MOREOVER, ACTIVE INVOLVEMENT IN ANTARCTICA BY UNEP ITSELF COULD GENERATE WIDER UN INTEREST IN THE AREA. THIS, IN TURN, COULD STIMULATE EFFORTS BY THE UN TO OVERRIDE THE TREATY WHICH, IF SUCCESSFUL, WOULD DESTROY THE INSTRUMENT WHICH BEST SERVES OUR INTERESTS IN ANTARCTICA.

POSITION

4. THE US IS OPPOSED TO UNEP INVOLVEMENT IN ANTARCTICA AT

THIS TIME. DISCUSSION OF UNEP'S OBJECTIVES IN ANTARCTICA SHOULD BE AVOIDED AT THE GENERAL COUNCIL MEETING.

STRATEGY

5. THE US REPRESENTATIVE, EITHER ALONE OR IN CONSULTATION WITH THE REPRESENTATIVES OF OTHER TREATY PARTIES AT THE MEETING, SHOULD REQUEST PRIVATELY OF THE EXECUTIVE DIRECTOR THAT HE BY PASS THE ANTARCTIC QUESTION. THE US REPRESENTATIVE COULD ARGUE THAT THE UNEP IS ALREADY OCCUPIED WITH ENOUGH IMPORTANT MATTERS AND THAT THE ADDITION OF AN ACTIVITY IN ANTARCTICA WOULD PLACE AN UNDUE BURDEN ON UNEP'S RESOURCE-. FURTHERMORE, THE NATIONS ACTIVE IN ANTARCTICA, OPERATING UNDER THE ANTARCTIC TREATY, HAVE COOPERATED IN A HIGHLY SUCCESSFUL MANNER TO ESTABLISH,

MAINTAIN AND IMPROVE THE ENVIRONMENTAL MEASURES GOVERNING THEIR ACTIVITIES IN THE REGION, AS DR. RAY INDICATED IN HER LETTER TO THE EXECUTIVE DIRECTOR.

6. NEITHER THE DECISIONS AT THE MEETING OF THE TREATY PARTIES REFERRED TO ABOVE NOR OUR CONCERNS ABOUT THE LOS INTERPLAY SHOULD BE REVEALED TO THE EXECUTIVE DIRECTOR OR TO NON-TREATY NATIONS. THEY MAY BE MENTIONED, AS APPROPRIATE, TO ANTARCTIC TREATY PARTIES.

7. IF, DESPITE ALL, ANTARCTICA DOES COME UP FOR DISCUSSION, THE US REPRESENTATIVE SHOULD STATE THAT AN INTERNATIONAL BODY OF EXPERTS IS ALREADY ENGAGED IN ANTARCTIC ENVIRONMENTAL AFFAIRS, I.E., THE SCIENTIFIC COMMITTEE ON ANTARCTIC RESEARCH (SCAR) OF THE INTERNATIONAL COUNCIL OF
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PAGE 04 STATE 081609

SCIENTIFIC UNIONS. HE SHOULD INDICATE THAT SCAR ALSO MAINTAINS LIAISON WITH UN BODIES SUCH AS FAO, WMO, ETC., AND CONTRIBUTES EFFECTIVELY TO THE ANTARCTIC TREATY CONSULTATIVE MECHANISM. HE SHOULD SUGGEST THAT AT THIS TIME THE MOST EFFECTIVE COURSE OF ACTION FOR UNEP COULD BE TO ESTABLISH CONTACT WITH SCAR WITH A VIEW TO PARTICIPATING IN OR CONTRIBUTING TO ITS ACTIVITY IN THE ENVIRONMENTAL FIELD. KISSINGER

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